

**SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 25, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Field(23), Sali. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Julianne Peters.

Approval of Journal

March 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 24, 2003

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 246

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

March 24, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1059** and **S 1066** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1059** and **S 1066** and, when so signed, ordered them returned to the Senate.

March 21, 2003

Mr. Speaker:

I return herewith enrolled **H 328, H 332, H 340, H 341, H 342, H 343, H 344, H 345, H 12, H 26, H 303, H 307, H 308, and H 309** which have been signed by the President.

WOOD, Secretary

Enrolled **H 328, H 332, H 340, H 341, H 342, H 343, H 344, H 345, H 12, H 26, H 303, H 307, H 308, and H 309** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 24, 2003

Mr. Speaker:

I transmit herewith **SCR 114, S 1164, S 1136**, as amended, **S 1160, S 1168**, and **S 1167** which have passed the Senate.

WOOD, Secretary

SCR 114, S 1164, S 1136, as amended, **S 1160, S 1168**, and **S 1167** were filed for first reading.

March 24, 2003

Mr. Speaker:

I return herewith **H 360, H 123, H 312, H 314, H 4, H 295, H 140, H 232**, as amended, **H 15, H 347, H 348, H 349, H 350**, and **H 351** which have passed the Senate.

WOOD, Secretary

H 360, H 123, H 312, H 314, H 4, H 295, H 140, H 232, as amended, **H 15, H 347, H 348, H 349, H 350**, and **H 351** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 24, 2003

Mr. Speaker:

I return herewith **H 174**, as amended, as amended in the Senate, and **H 110**, as amended, as amended in the Senate, which have passed the Senate.

WOOD, Secretary

H 174, as amended, as amended in the Senate, and **H 110**, as amended, as amended in the Senate, were ordered held at the Desk.

Mr. Deal asked unanimous consent that the House concur in the Senate amendments to **H 174**, as amended, as amended in the Senate. There being no objection, it was so ordered.

Mr. Eberle asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the Legislative Day. There being no objection, it was so ordered.

Mr. Campbell asked unanimous consent that the House concur in the Senate amendments to **H 110**, as amended, as amended in the Senate. There being no objection, it was so ordered.

H 174, as amended, as amended in the Senate, and **H 110**, as amended, as amended in the Senate, were referred to the

Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HJM 10** and **H 388** and House Amendments to **HCR 24**, **H 335**, **H 336**, **S 1115**, and **H 202**, as amended.

FIELD(18), Chairman

H 388 was referred to the State Affairs Committee.

HJM 10 was filed for second reading.

March 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 195**, as amended in the Senate, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 195**, as amended in the Senate, as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **HCR 24**, as amended, **H 335**, as amended, **H 336**, as amended, and **H 202**, as amended, as amended.

FIELD(18), Chairman

HCR 24, as amended, **H 335**, as amended, **H 336**, as amended, and **H 202**, as amended, as amended, were filed for first reading of engrossed bills.

March 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 71**, as amended, **H 276**, **H 263**, **H 102**, **H 298**, **H 330**, **H 171**, **H 291**, and **H 67** to the Governor at 1:25 p.m., as of this date, March 24, 2003.

FIELD(18), Chairman

March 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 4** and **HCR 25** to the Secretary of State at 1:13 p.m., as of this date, March 24, 2003.

FIELD(18), Chairman

March 24, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **S 1053**, as amended, and recommend that it do pass.

WOOD, Chairman

S 1053, as amended, was filed for second reading.

March 24, 2003

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **S 1075** and **S 1128** and recommend that they do pass.

SALI, Chairman

S 1075 and **S 1128** were filed for second reading.

March 25, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **SJM 102** and **SJM 103** and recommend that they do pass.

CROW, Chairman

SJM 102 and **SJM 103** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 11 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Idaho Legislature, on behalf of the citizens of Idaho, expresses its gratitude for the military service of our veterans; and

WHEREAS, there are 3,357 veterans waiting to see a primary care physician at the Boise VA Medical Center; and

WHEREAS, there are 4,350 veterans waiting for specialty care appointments at the Boise VA Medical Center; and

WHEREAS, there are 2,703 veterans on the waiting list at the Spokane VA Medical Center; and

WHEREAS, there are waits of as long as two to three years at the Spokane VA Medical Center; and

WHEREAS, prompt, high quality and compassionate medical care was promised to our servicemen and servicewomen and is currently an unmet promise.

NOW, THEREFORE, BE IT RESOLVED by the members

of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we find the failure to provide prompt medical care is a failure to provide care, that it is not acceptable, and we urgently request that the members of the Idaho congressional delegation address the appropriations necessary to provide timely access to health care for our valued veterans.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 11 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 114, by State Affairs Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 389 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO LEVIES FOR SAFE SCHOOL FACILITIES; AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-808, IDAHO CODE, TO AUTHORIZE A SAFE SCHOOL FACILITY LEVY UNDER CONDITIONS SPECIFIED, TO REQUIRE A NOTICE, TO ADDRESS A FAILED ELECTION AND TO REQUIRE A HEARING, TO REQUIRE JUDICIAL CONFIRMATION AND TO PROVIDE FOR A LEVY TO BE IMPOSED.

HOUSE BILL NO. 390 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES AND THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-30220, IDAHO CODE, TO DISALLOW THE SPECIAL ALLOWANCE FOR DEPRECIATION PERMITTED BY SUBSECTION (k) OF SECTION 168 OF THE INTERNAL REVENUE CODE, AND TO DISALLOW DEDUCTION OF CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE EFFECTIVE DATES.

H 389 and **H 390** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1164, by State Affairs Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

S 1136, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1160, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1167, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1115, as amended in the House, by Judiciary and Rules Committee, was introduced, read the first time by title, and filed for second reading.

S 1168, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

HCR 24, as amended, **H 335**, as amended, and **H 336**, as amended, by Ways and Means Committee, were introduced, read the first time by title and filed for second reading.

H 202, as amended, as amended, by Health and Welfare Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 384, by Appropriations Committee, was read the second time by title and filed for third reading.

HR 2, by State Affairs Committee, was read the second time by title and filed for third reading.

SCR 103, by Resources and Environment Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **HCR 24**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HCR 24**, as amended, be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter(Bieter), Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Gagner, Garrett, Harwood, Henbest(Bray), Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalc, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Field(18), Field(23), Sali, Smith(24).

Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HCR 24**, as amended, was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **HCR 24**, as amended, be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Harwood, Jones, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Ridinger, Ring, Roberts, Rydalc, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood, Mr. Speaker. Total -- 47.

NAYS -- Bauer, Bieter(Bieter), Boe, Cuddy, Douglas, Gagner, Henbest(Bray), Jaquet, Kellogg, Langhorst, Mitchell, Naccarato, Raybould, Ringo, Robison, Sayler, Schaefer, Shepherd, Trail. Total -- 19.

Absent and excused -- Crow, Field(23), Sali, Smith(24). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **HCR 24**, as amended, adopted and ordered the resolution transmitted to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Denney moved that the House recess until 1:00 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:00 p.m.

RECESS

Afternoon Session

The House reconvened at 1:00 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 363 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

Mr. Raybould moved that **H 363** be placed on General Orders for consideration. Seconded by Mr. Clark.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bolz, Cannon, Clark, Denney, Ellsworth, Eskridge, Harwood, McGeachin, Moyle, Raybould, Roberts, Sali, Schaefer, Tilman, Wood. Total -- 19.

NAYS -- Andersen, Bell, Bieter(Bieter), Black, Block, Boe, Bradford, Campbell, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Field(18), Field(23), Gagner, Garrett, Henbest(Bray), Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Ridinger, Ring, Ringo, Robison, Rydalc, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 49.

Absent and excused -- Lake, Trail. Total -- 2.

Paired Vote:

AYE -- Harwood. NAY -- Ringo.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared the motion failed.

The question being, "Shall **H 363** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bell, Bieter(Bieter), Black, Block, Boe, Campbell, Cannon, Cuddy, Deal, Douglas, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest(Bray), Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Ring, Ringo, Robison, Rydalc, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills,

Mr. Speaker. Total -- 46.

NAYS -- Barraclough, Barrett, Bauer, Bedke, Bolz, Bradford, Clark, Collins, Crow, Denney, Eberle, Ellsworth, Harwood, Kulczyk, McGeachin, McKague, Moyle, Raybould, Ridinger, Roberts, Sali, Schaefer. Total -- 22.

Absent and excused -- Trail, Wood. Total -- 2.

Paired Votes:

AYE -- Ringo. NAY -- Harwood.

AYE -- Meyer. NAY -- Bauer.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 363** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House returned to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 391 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL; AMENDING SECTION 22-4801, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 22-4803, IDAHO CODE, TO PROVIDE FOR CERTAIN OPEN BURNING IN COMPLIANCE WITH DESIGNATED PROVISIONS WHEN NO OTHER ECONOMICALLY VIABLE ALTERNATIVES TO BURNING ARE AVAILABLE, TO PROVIDE REQUIREMENTS FOR CROP RESIDUE BURNING IN SPECIFIED COUNTIES, TO PROVIDE FOR REGISTRATION OF CERTAIN FIELDS WITH THE IDAHO DEPARTMENT OF AGRICULTURE, TO REQUIRE CERTAIN AUTHORIZATION FROM THE DEPARTMENT AND TO PROVIDE THAT REQUIRED INFORMATION FOR REGISTRATION MUST BE RECEIVED BY THE DEPARTMENT PRIOR TO FIELD IGNITION; AMENDING CHAPTER 48, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-4803A, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO MAKE CERTAIN DETERMINATIONS AND TAKE CERTAIN ACTIONS RELATING TO VIOLATIONS OF DESIGNATED SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL PROVISIONS, TO PROVIDE FOR VIOLATIONS, TO PROVIDE PENALTIES, TO PROVIDE PROCEDURES, TO PROVIDE FOR MONEYS COLLECTED FOR VIOLATIONS, TO PROVIDE FOR INVESTIGATIONS AND INSPECTIONS, TO PROVIDE A STATUTE OF LIMITATIONS FOR CERTAIN CIVIL AND ADMINISTRATIVE PROCEEDINGS, TO PROVIDE FOR COMPLAINTS, TO PROVIDE THAT AUTHORIZED CROP

RESIDUE BURNING SHALL NOT CONSTITUTE A NUISANCE OR TRESPASS AND TO PROVIDE THAT DESIGNATED PROVISIONS RELATING TO CROP RESIDUE BURNING SHALL NOT BE CONSTRUED TO CREATE CERTAIN PRIVATE CAUSES OF ACTION; AND AMENDING SECTION 22-4804, IDAHO CODE, TO PROVIDE FOR REGISTERED COUNTIES, TO STRIKE REFERENCE TO REGISTRATION OF FIELDS WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY, TO REVISE PROVISIONS RELATING TO FEES FOR BURNING OF REGISTERED FIELDS IN DESIGNATED COUNTIES, TO PROVIDE FOR PAYMENT OF FEES TO THE DEPARTMENT, TO PROVIDE FOR THE REMITTANCE OF THE FEES BY THE DEPARTMENT TO THE STATE TREASURER, TO STRIKE REFERENCE TO CERTAIN RULEMAKING BY THE BOARD OF HEALTH AND WELFARE RELATING TO FEES FOR CROP BURNING, TO PROVIDE FOR USE BY THE DEPARTMENT OF MONEYS FROM THE AGRICULTURAL SMOKE MANAGEMENT ACCOUNT, TO REVISE PROVISIONS RELATING TO THE USE OF MONEYS FROM THE AGRICULTURAL SMOKE MANAGEMENT ACCOUNT FOR RESEARCH AND TO STRIKE PROVISIONS RELATING TO A SMOKE MANAGEMENT ADVISORY BOARD; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 392 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO BINGO; AMENDING SECTION 67-7709, IDAHO CODE, TO REQUIRE ADDITIONAL REQUIREMENTS FOR STATEMENTS PREPARED BY CHARITABLE OR NONPROFIT ORGANIZATIONS CONDUCTING BINGO GAMES AND TO REQUIRE THE USE OF NONREUSABLE COLORED BINGO PAPER SO THAT ALL SALES MAY BE TRACKED, TO PROVIDE REQUIREMENTS FOR THE PAPER AND TO PROVIDE REQUIREMENTS FOR ORGANIZATIONS USING NONREUSABLE BINGO PAPER.

H 391 and **H 392** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Wednesday, March 26, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 3:10 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

